

REMARKS

The Office Action dated June 15, 2005 has been received and carefully considered. Reconsideration of the outstanding rejections in the present application is respectfully requested in view of the following remarks.

Anticipation Rejection of Claims 21-27

At pages 2-5 of the Office Action, claims 21-27 were rejected under 35 U.S.C. §102(e) as being anticipated by Suzuki (U.S. Pat. No. 6,148,135), hereinafter "the Suzuki patent." The rejection of claims 21-27 is respectfully traversed.

Claim 21, from which claims 22-27 depend, recites a first input node to receive a multiplexed packetized data stream, a first clock recovery module having an input coupled to the first input node, and an output, wherein the first clock recovery module is to generate a clock at the output based upon received timing information transmitted in packets of a multiplexed packetized data stream *before it is stored in a storage device*.

The Office Action asserts that the system counter 101, system clock reference 3, and system time clock 102 of Figure 1, the video decoder 50 and audio decoder 30 of Figure 4 of Suzuki and the passages of Suzuki at column 10, lines 6-55 and at column 8, line 61 to column 9, line 14 disclose these elements. *Office Action*, pages 3-4. Specifically, the Office Action asserts that the clock recovery module element of claim 21 is anticipated because Suzuki allegedly discloses "system counter 101, system clock reference 3 and system time clock 102" in Figure 1. Additionally, the Office Action refers to the discussion at col. 10, lines 6-55.

Applicants submit that the system time clock (STC) 102 of Suzuki is not generated *before the multiplexed packetized data stream is stored in a storage device*, as provided by claim 21. Suzuki does not disclose or even suggest all of the elements of claim 21, or of claims 22-27 which depend from claim 21. Therefore, the rejection of claims 21-27 is improper and should be withdrawn. Reconsideration and notice to that effect is respectfully requested.

With regard to claim 23, the Office Action asserts that the above-cited passages of Suzuki disclose the features recited in claim 23. Applicants disagree. Specifically, as provided by claim 23, the first clock recovery module generates a clock at the output based upon timing information transmitted in packets of the multiplexed packetized data stream *before it is stored in the storage*

device and based upon multiplexed packetized data stream data stored in the storage device. Suzuki fails to disclose or suggest generating a clock based upon timing information in packets *before it is stored* in the storage device or that the clock is generated based upon stored data, as provided by claim 23. Suzuki teaches generating a system clock reference signal from the video and audio separator 2 based on the coded video and audio data 1. *See Suzuki*, Col. 10, lines 39-43. However, the system time clock (STC) counts time at a predetermined frequency after the system time counter 101 is updated to SCR count. *See Suzuki*, Col. 10, lines 56-58. Suzuki teaches a selector 110 that switches between a system time clock and a video time stamp, so that the resulting clock is based upon one or the other, but not both. Therefore, Suzuki fails to disclose or suggest all of the elements of independent claim 23. Reconsideration and notice to that effect is respectfully requested.

Obviousness Rejection of Claims 1-17

At page 5, para. 5 of the Office Action, claims 1-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Suzuki patent. Applicants traverse this rejection. The Office Action states:

Suzuki fails to explicitly disclose storing a second portion of the packetized data stream representing video data and timing data of the program, which examiner reads as the output of the video decoder 50 of Fig. 4. Official Notice is taken that it would have been obvious to modify Suzuki by adding a storage means to Suzuki in order to store the decoded video and timing data output of the video decoder 50.

Office Action, p. 7. Applicant respectfully disagrees with the assertion that storing a second portion would have been obvious.

Suzuki discloses a video buffer memory 45 and an audio buffer memory 25, but makes no mention of an additional memory for storing a second portion of a packetized data stream, as recited in claim 1. Applicant respectfully requests that the Office either provide a reference to support the Official Notice or withdraw the Official Notice. Reconsideration and notice is respectfully requested.

The rejection of claims 1-10 is improper, because the cited reference does not teach, suggest or disclose all of the elements of independent claim 1, or by virtue of their dependency, all of the elements of claims 2-10. Thus, the rejection of claims 1-10 should be withdrawn.

At page 9, claims 11-13, 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Suzuki patent in view of Morinaga et al. (U.S. Pat. No. 6,792,000), hereinafter "the Moringa patent." At page 11, claims 14 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Suzuki patent in view of the Morinaga patent and further in view of Barton et al. (U.S. Pat. No. 6,233,389), hereinafter "the Barton patent." Claims 11-17 depend from independent claim 1, which, as previously discussed, is not disclosed or suggested by the Suzuki patent. Moreover, both the Moringa patent and the Barton patent fail to disclose or suggest the step of storing a second portion of the packetized data stream, as recited in claim 1. Thus, none of the cited references, alone or in combination, disclose or suggest all of the elements of independent claim 1. Therefore, Suzuki, Moringa and Barton fail to disclose or suggest all of the elements of claims 11-17, at least by virtue of their dependency from claim 1. Therefore, the rejection of claims 11-17 under §103 is improper and should be withdrawn. Reconsideration and notice to that effect is respectfully requested.

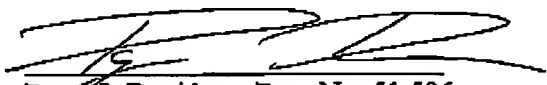
Conclusion

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

15 September 2005
Date


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